

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

ROBERT MCHARDY, Individually and On
Behalf of All Others Similarly Situated,

Plaintiff,

v.

KIT DIGITAL, INC., KALIEL TUZMAN,
ROBIN SMYTH and GAVIN CAMPION,

Defendants.

Case No 1:12-cv-04199-VM

FBO STEPHEN N. CONRAD PERSHING LLC
AS CUSTODIAN ROLLOVER ACCOUNT,
Individually and On Behalf of All Others
Similarly Situated,

Plaintiff,

v.

KIT DIGITAL, INC., KALEIL TUZMAN,
ROBIN SMYTH, and GAVIN CAMPION,

Defendants.

Case No. 1:12-cv-05446-UA

**RESPONSE TO COMPETING MOTIONS FOR
LEAD PLAINTIFF BY MOVANT MAREK VASUT**

Lead plaintiff movant Marek Vasut (“Vasut”) filed his motion for lead plaintiff on July 25, 2012, claiming losses of \$184,829.09. While Vasut complies with the requirements of Rule 23, having reviewed the competing lead plaintiff motions, Vasut does not appear to have the largest financial interest. 15 U.S.C. § 78u-4(a)(3)(B)(iii). However, should the Court find that the Movant with the largest financial interest is unwilling or inadequate under the requirements of the PSLRA, Vasut remains willing to serve as lead plaintiff on behalf of the class.

Dated: August 8, 2012

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